

REMARKS

Claims 1-39 are pending. New claim 40 has been added.

The U.S.P.T.O. has objected to the drawings. Replacement Sheets are provided herewith wherein the Applicant has corrected the drawings, thereby obviating the objections.

The U.S.P.T.O. has objected to the Specification and the Abstract of the Disclosure. Applicant has corrected the Specification and the Abstract of the Disclosure in accordance with the foregoing amendments, thereby obviating the objections.

Claims 1, 2, 4, 7, 11, 16, 19, 20, and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Koblish (US 2004/0193149). Claim 1 is directed to a medical therapy delivery device including "a shaft formed by an outer layer and including a first portion and a second portion extending distally from the first portion, the second portion deflectable relative to the first portion" and "a deflectable tip extending distally from the second portion between a proximal end and a distal tip, and having a tapered portion located between the proximal end and the distal tip". Koblish discloses a tissue ablation system including an ablation catheter 12 comprising three main parts or assemblies: a handle assembly 14, a guide tube assembly 16, and an electrode tip assembly 18.

As the Examiner is well aware, in order for a reference to anticipate a claim, that reference must teach each element of the properly construed claim. Contrary to the Examiner's assertion, Koblish fails to teach, among other things, "a deflectable tip". The Examiner refers to electrode tip assembly 18 disclosed by Koblish as "a deflectable tip". To the contrary of the Examiner's assertion, Koblish fails to teach or suggest the electrode tip assembly 18 as a deflectable tip. The electrode assembly 18 comprises a tip electrode 102 "composed of a suitably thermal conductive biocompatible material, such as, e.g., platinum/iridium, stainless steel, gold, or silver." Koblish therefore appears to teach an electrode assembly that is formed of a stiff metallic electrode. As such,

Applicant respectfully submits electrode tip assembly 18 does not form a deflectable tip. Accordingly, Applicant respectfully asserts the rejection is improper and should be withdrawn.

The Examiner states that "the distance between the outer wall and inner wall gradually decreases between the proximal end and the distal end of the tapered portion" with reference to Figure 3. Applicant respectfully traverses. Electrode tip assembly 18 is shown having a generally rounded tip, however, a tapered portion is not apparent from the drawing shown in Figure 3. Koblish does not describe, or make any suggestion whatsoever, that electrode tip assembly 18 is tapered. Nowhere in the specification does Koblish indicate that any portion of guide tube assembly 16 is tapered.

Claims 3, 5-6, 8-10, 12-15, 17-18, 21, and 23-39 stand variously rejected under 35 U.S.C. § 103(a) over Koblish in view of additionally cited references. None of the cited references, alone or combined, teach or suggest "a deflectable tip extending distally from the second portion between a proximal end and a distal tip, and having a tapered portion located between the proximal end and the distal tip", as stated in the pending claims. For at least this reason, the rejection is improper and should be withdrawn.

Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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Date

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